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Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

APRIL 2, 2004

By:

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1634 #

Attorney Docket No: 0165.550US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Joseph A. Affholter, et al.

Application No.: 09/721,507

Filed: November 22, 2000

For: SINGLE-STRANDED NUCLEIC ACID
TEMPLATE-MEDIATED RECOMBINATION
AND NUCLEIC ACID FRAGMENT ISOLATION

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner: Diana B. Johannsen

Art Unit: 1634

**RESPONSE TO SPECIES
ELECTION REQUIREMENT**

Dear Sir:

In the Election of Species Requirement mailed October 2, 2003, the following species were identified:

a) properties for which members of the "third set of nucleic acids" may be screened:

1. an enzymatic activity or property (claim 129);
2. an effect on "one or more of immunogenicity, allergenicity, or hypersensitivity" (claim 131);
3. "an appearance or a disappearance of organic or inorganic sulfur" in crude oil or distillation fractions (claim 135);
4. "a rate or an extent of substrate desulfurization" in crude oil or distillation fractions (claim 136); and
5. "a rate or an extent of substrate desulfurization" in crude oil or distillation fractions (claim 136).

b) screening conditions:

1. temperature less than about 20°C;
2. temperature greater than about 50 °C;
3. pressure of less than about 0.2 atmospheres;
4. pH of less than about 5.5;
5. pH of greater than about 8.5 (claim 130);
6. a non-aqueous system; and
7. a semi-aqueous system (claim 132);

c) combinatorial assembly comprising the use of:

1. a ligase;
2. a polymerase;
3. a nuclease;
4. a ligase and a polymerase;
5. a ligase and a nuclease;
6. a polymerase and a nuclease, and a ligase;
7. a polymerase and a nuclease

(claims 123-124, 138-153)

Applicants hereby elect the following species:

- a) an enzymatic activity or property;
- b) a semi-aqueous system; and
- c) a ligase.

Claims 120-130, 132-141, and 154-157 are readable on the elected species.

A petition for a five month extension of time authorizing the Commissioner to charge the requisite fee pursuant 37 C.F.R. § 1.17 is enclosed. The petition thus effectively extends the period of response from November 2, 2003 to April 2, 2004. The Commissioner is hereby authorized to charge any deficiency in fees or credit any overpayment in connection with this submission to Deposit Account No. 50-0990.

April 2, 2004

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